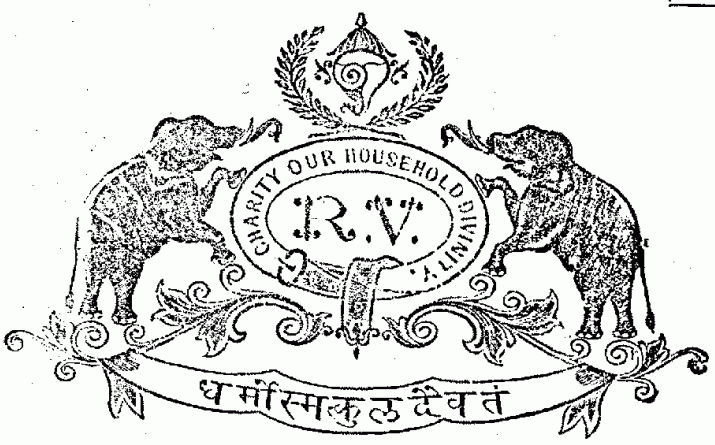
TRAVANCORE
GOVERNMENT GAZETTE
SUPPLEMENT.

Tuesday,
27th Dec., 1904.




# Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 3 P. M., on Saturday the 17th December 1904. / 3rd Margaly 1080.

PRESENT.

V. P. Madhava Rao Esquire, C. I. E., DEWAN ... ...*Presiding.*
V. Nagam Aiya Esq., B. A., F. R. H. S.
A. Govinda Pillai Esq., B. A. & B. L.
T. Rajaram Row Esq., B. A.
V. I. Kesava Pillai Esq., M. A.
A. J. Vieyra Esq., B. A.
R. Mahadeva Iyer Esq., B. A.
E. Ramier Esq.
K. G. Sesha Aiyar Esq., B. A. & B. L.
E. J. John Esq., B. A. & B. L.

R. Viraraghava Aiyangar Esq., B. A. & B. L. ...*Secretary.*

*Secretary.*—I beg to announce that Mr. E. J. John, B. A. & B. L., who has been appointed as a non-official member, has taken his seat to-day.

I also beg to announce that the Lunacy Bill and the Breach of Contract Regulation Amendment Bill, passed by the Council on the 19th September 1904, received the assent of His Highness the Maha Rajah on the 4th October 1904 and have become law as Regulations I and II of 1080 respectively, the former coming into force on the 1st Kumbhom 1080 and the latter immediately on the passing thereof.

Mr. John expressed his thanks to His Highness the Maha Rajah for his appointment.

## CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. Rajaram Row.—Sir, I rise to ask leave of the Council to introduce a Bill for amending the Criminal Procedure Code of the country in certain important respects, and in doing so, I beg your permission to make a few observations. I know that we have a very important agenda paper to get through this afternoon, and I will not therefore detain you long. I need not explain that unlike British India the Travancore Districts have each only one wealthrate who is empowered to

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hear and dispose of appeals from the convictions of 2nd and 3rd class magistrates, and it has been found that the appellate work which this magistrate, especially that of Quilon or Kottayam, has to get through is more than what a single officer could be expected to do, and the strain on him has of late become so great that it is found impossible for him to do proper justice to that work and to the various other important duties which, as the chief controlling officer of the District, he is called upon to discharge. The increase of criminal appeals has of late been by leaps and bounds, and when the officer who has to hear and dispose of them is called away by some other urgent and important work, the appeals accumulate in large numbers and not only overtax his energies when he returns to them but cause serious inconvenience to the parties concerned. Relief therefore is very pressingly needed. Under the British Indian Criminal Procedure Code, power is left to the Government to create as many appellate magistrates subordinate to the District Magistrate as the nature and quantity of work might demand; but such a provision is absent in our Code even though it is only an adaptation of theirs, and it is necessary to put in this provision for granting the relief which I have just said as being necessary. Again, it has been found not only by District Magistrates but by all appellate criminal courts in the country that even though a person might have been convicted on his own clear confession and upon the best of evidence, if he only chooses to prefer an appeal, the appellate court is bound to send for the records of the trial and to go through them and pass a regular decision. In British India there is provision for appeals being rejected at the very initial stage itself if they are found to be groundless, and to prevent waste of public time, I would give to our criminal courts a similar power of rejection. These are the two principal reasons which have necessitated the Bill I wish to introduce, but I would avail myself of this opportunity of putting into it a few other important provisions. In British India it has been found with regard to first offenders, that the holding in suspense of sentences passed on them has a very salutary effect, and I wish to adopt those provisions into my Bill. I would also import into it those chapters of the British Criminal Procedure Code which provide for trials with the aid of assessors and juries. I am not sure that I can expect unanimity of opinion that such trials will be an unmixed boon. It might be thought that the country is not prepared for it, and that through ignorance or perversity serious miscarriages of justice might occur. Travancore has been one of the chief pioneers of Western education in Southern India, and it is now close upon a century that it has been disseminating those Western ideas and that Western civilization which have prepared other parts of British India and made them fit to have trials by jury; and it might be casting a slur on our colleges and schools if we thought that the education imparted in them during a long course of years has not helped to awaken in the minds of their alumni a proper sense of the duties and responsibilities of true citizenship which, I need hardly say, is one of the important results of high and liberal education. Having had a long experience of the country and being able to compare the present with the past, I am glad to be able to say that in point of moral and intellectual advancement, as in all other respects, the change that has come over the people is simply marvellous, and I think that we are not at all behind the proper time for the change in law that I am advocating. I therefore ask your permission to introduce the Bill.

Permission was granted accordingly.

## BILL TO PREVENT LOSS TO GOVERNMENT BY THE DEFAULT OR MISCONDUCT OF PUBLIC ACCOUNTANTS.

Mr. Kesava Pillai.—I beg to move that the Public Accountants Bill the further consideration of which was deferred to this meeting be now taken up.

Seconded by Mr. Govinda Pillai.

The motion was put and agreed to.

*Section 6.*

Mr. Mahadeva Iyer.—I beg to propose that section 6 be omitted. This section gives to parties deeming themselves aggrieved by any order passed or proceedings taken under the Bill, the right to sue the Government in the courts. Such a provision seems to me to be superfluous in the face of section 7 of the Civil Procedure Code (Act [illegible]). Under the latter section the Courts have got

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